


Below is an Order of the Court.

  
\_\_\_\_\_  
PETER C. MCKITTRICK  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF OREGON

In Re:	)	
PETER SZANTO,	)	Bankruptcy Case No.
	)	16-33185-pcm7
Debtor.	)	
_____	)	
PETER SZANTO,	)	Adversary No. 16-3114-pcm
	)	
Plaintiff,	)	ORDER DENYING MOTION TO EXTEND
	)	TIME TO FILE RENEWED MOTION
v.	)	TO REOPEN DISCOVERY
	)	
EVYE SZANTO, VICTOR SZANTO, NICOLE	)	
SZANTO, KIMBERLEY SZANTO, MARIETTE	)	
SZANTO, ANTHONY SZANTO, AUSTIN	)	
BELL, JOHN BARLOW, and BARBARA	)	
SZANTO ALEXANDER,	)	
Defendants.	)	
_____	)	

Plaintiff moves to extend the time to file a Renewed Motion to Reopen Discovery. Doc. #344. In this court's Order Denying Plaintiff's Motion to Reopen Discovery and Motion for Extension of Time, entered on February 16, 2018, the court set a deadline of seven days from the date

1 of entry of any order allowing the chapter 7 trustee to abandon this  
2 adversary proceeding for plaintiff to file any renewed motion to reopen  
3 discovery. Doc. #340.

4 The Second Amended Scheduling Order provides, as is relevant here:

5 Any further request for an extension of time in this adversary  
6 proceeding shall be made at the earliest possible date, and no later  
7 than three business days before the date for which the extension is  
sought, absent extraordinary circumstances.

8 Doc. #249.

9 Plaintiff did not timely file his request for extension of time to  
10 file his renewed motion to reopen discovery. The court entered the Order  
11 Re Abandonment of Adversary Proceeding 16-3114 on April 10, 2017. Main  
12 Case Doc. #443. Seven days from that date was April 17, 2018. Plaintiff  
13 did not file his Motion to Extend Time until April 16, 2018, one business  
14 day before the deadline.

15 The court announced at the April 2, 2018, hearing on plaintiff's  
16 objection to the chapter 7 trustee's Notice of Intent to Abandon this  
17 adversary proceeding that it would allow the abandonment. At that  
18 hearing, the court reminded plaintiff of the deadline for renewing the  
19 motion to reopen discovery. Thus, plaintiff has known since April 2 that  
20 the abandonment order would be forthcoming and that he had only seven  
21 days from that date to file his renewed Motion to Reopen Discovery. He  
22 does not explain in his Motion to Extend Time why he did not file his  
23 request for an extension at the earliest possible date, or what  
24 extraordinary circumstances would support deviation from the scheduling  
25 order requirement that any motion for extension of time must be filed no  
26

1 later than three business days before the pertinent deadline.

2 Further, even if I were to consider the extension motion on its  
3 merits, plaintiff's purported bases for the extension would not support  
4 extending the time. His need to work on other matters, including a  
5 request to set aside the abandonment order, his allegation that he cannot  
6 work as quickly as usual because of his health, and complexity of case  
7 law regarding the need for discovery, do not demonstrate extraordinary  
8 circumstances.

9 Therefore, because the Motion to Extend Time is not timely and does  
10 not demonstrate extraordinary circumstances supporting deviation from the  
11 Second Amended Scheduling Order, and the reasons outlined in the motion  
12 would not support extending the deadline in any event,

13 IT IS HEREBY ORDERED that plaintiff's Motion to Extend Time to File  
14 Renewed Motion to Reopen Discovery is DENIED.

15 ###

16 cc: Peter Szanto  
17 Nicholas Henderson  
18 UST  
19  
20  
21  
22  
23  
24  
25  
26